

30.4.2. Transferred Land Coverage Requirements

In addition to the base land coverage prescribed by subsection 30.4.1, land coverage may be transferred to a parcel pursuant to subsection 30.4.4. Parcels and uses eligible for transfer of land coverage are identified in this subsection. For purposes of this subsection, the “maximum land coverage” equals the base land coverage plus the transferred land coverage. Land coverage shall not exceed base land coverage for parcels and uses that are not identified in this subsection. The aggregate of base land coverage and transferred land coverage shall not exceed the limits set forth in this subsection.

A. General Standards Applicable in All Locations

1. Residential Facilities (One to Four Units)

The maximum land coverage allowed on a parcel for residential facilities of four units or less shall be the land coverage allowed pursuant to the coefficients in Table 30.4.1-1, or as follows, whichever is greater:

a. Maximum Parcel Coverages

TABLE 30.4.2-1: MAXIMUM PARCEL COVERAGE	
Project Area (Sq. Ft.)	Maximum Land Coverage
0 - 4,000	Base Land Coverage Only
4,001 - 9,000	1,800 sq. ft.
9,001 - 14,000	20% of Project Area
14,001 - 16,000	2,900 sq. ft.
16,001 - 20,000	3,000 sq. ft.
20,001 - 25,000	3,100 sq. ft.
25,001 - 30,000	3,200 sq. ft.
30,001 - 40,000	3,300 sq. ft.
40,001 - 50,000	3,400 sq. ft.
50,001 - 70,000	3,500 sq. ft.
70,001 - 90,000	3,600 sq. ft.
90,001 - 120,000	3,700 sq. ft.
120,001 - 150,000	3,800 sq. ft.
150,001 - 200,000	3,900 sq. ft.
200,001 - 400,000	4,000 sq. ft.

b. Planned Unit Developments

For parcels in planned unit developments, the maximum coverage allowed shall be 100 percent of the proposed building envelope or 2,500 square feet, whichever is less. Parcels in PUDs with five or more units per parcel are considered multi-residential and regulated pursuant to subparagraph B.

c. Special Transfer Programs

Parcels in subdivisions with TRPA-approved transfer programs may be permitted the coverage specified by that approval. The only subdivision with such a program, as of the effective date of the

Regional Plan, is Cave Rock Estates, Unit No. 3. The Cave Rock Estates, Unit No. 3 transfer program is set forth in the TRPA March 23, 1978, approval of that subdivision.

d. Driveways

The maximum limits in Table 30.4.2-1 may be increased by a transfer of land coverage for a driveway built in accordance with the standards in Chapter 34: *Driveway and Parking Standards*, which is to be created in connection with the construction of a single-family house on an existing parcel, provided TRPA finds that:

- (i) The construction will not result in a residential structure with land coverage greater than that permitted in Table 30.4.2-1 minus 400 square feet; and
- (ii) The single-family house, as a direct result of the increased land coverage, will be located on the parcel in such a manner that it shall cause the least harm to the natural environment through minimization of land alterations, grading, removal of vegetation, hydrological impacts, and preservation of trees and other flora.

2. Linear Public Facilities and Public Health and Safety Facilities

The maximum land coverage for linear public facilities and public health and safety facilities is limited to the minimum amount needed to achieve their public purpose, except as provided for non-motorized public trails in subsection 30.4.7.C.3. Such transfer may be permitted, provided TRPA makes the following findings:

- a. The project complies with required findings for additional public service facilities if required pursuant to Section 50.7;
- b. There is no feasible alternative that would reduce land coverage;
- c. The project, because of its unusual configuration or service requirement, requires special consideration; and
- d. The facility primarily serves the needs of persons other than those who are or will be residents of the lands in question, or the owners of the land in question.

3. Highways, Streets, and Roads

Transfer of land coverage for highways, streets, and roads may be permitted, provided TRPA, in addition to the findings in subparagraph 2 above, makes the following additional findings:

- a. The highway, street, or road is required to provide access to property other than that owned by the applicant; and
- b. The highway, street, or road will be constructed or maintained by a public agency, or is required to be so constructed or maintained by the terms and in accordance with the boundaries of a lawfully created easement recorded prior to February 10, 1972, or is required or approved by TRPA for a project approved after the effective date of the Regional Plan.

4. Facilities for Public Safety and Access of the Disabled

Transfers of land coverage may be permitted for the addition of facilities for access of disabled persons for compliance with the American Disabilities Act (ADA) and other public safety requirements, to facilities legally existing on the effective date of the Regional Plan. The maximum land coverage shall be the minimum amount necessary to meet the public safety and access requirements.

5. Water Quality Control Facilities

Transfers of land coverage for water quality control facilities, such as erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs, and facilities, may be permitted the minimum amount of land coverage needed to achieve their purpose provided there is not a reasonable alternative, including relocation, that avoids or reduces the land coverage.

B. Location-Specific Standards

1. Facilities Within Community Plans, Town Centers, Regional Centers, or the High-Density Tourist District³³

- a. Unless otherwise provided in subparagraph A above, the maximum land coverage allowed on the project area for facilities located within community plans approved pursuant to Chapter 12, or within town centers, regional centers, or the High-Density Tourist District of Area Plans that have been found in conformance with the Regional Plan pursuant to Chapter 13, is 70 percent of the project area that is located within Land Capability Districts 4 through 7, inclusive.
- b. Subdivisions into parcels of four or fewer residential units are not eligible for the maximum land coverage permitted under this subparagraph unless a deed restriction requiring maintenance of the units as affordable or moderate income housing, as defined by TRPA, is approved by TRPA and recorded against the property.

2. Public Service Facilities Outside Community Plans, Town Centers, Regional Centers, and the High-Density Tourist District³⁴

The maximum land coverage for other public service facilities located outside of an approved community plan, or outside town centers, regional centers, or the High-Density Tourist District of Area Plans that have been found in conformance with the Regional Plan pursuant to Chapter 13, is 50 percent of the project area. Transfer of land coverage for public service facilities located outside a community plan is limited to projects for which TRPA has made the following findings:

- a. The project complies with required findings for additional public service facilities if required pursuant to Section 50.7;
- b. There is no feasible alternative that would reduce land coverage; and

³³ Text is based on edits to G&P LU 2.14.B.

³⁴ Text is based on edits to G&P LU 2.14.F.

- c. There is a demonstrated need and requirement to locate the facility outside a community plan.

C.

D.

E. Transfer of Nonconforming Land Coverage³⁵

Notwithstanding subparagraphs B and C above, when existing development is relocated to a town center, regional center, or the High-Density Tourist District and the sending site is restored and retired, the nonconforming land coverage (as measured in square feet) may be maintained with the relocation provided both of the following conditions are satisfied:

1. The receiving site shall be developed in accordance with all applicable TRPA ordinances. If necessary to comply with applicable ordinances, land coverage shall be reduced; and
2. The receiving site shall be either the same size or larger than the prior site, or, if the new project area is smaller than the prior site, the amount of nonconforming coverage to be transferred shall be reduced on a proportionate basis and the balance of nonconforming coverage may be banked or transferred elsewhere.

³⁵ Text is based on edits to G&P LU 2.14.H.